IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3941 OF 2005

BPL Cellular Company Ltd.
and Ors. ..Applicants

Vs.

Shri.Mahadeorao Shankarrao
Kolte & Anr. ..Respondents

....

Mr.Ramesh Dube-Patil i/b Ajay Misar & Co. for Applicants
Mr.Y.M.Nakhwa A.P.P. for State
None for Respondent No.1

....

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 19, 2006

P.C.

1. Heard the learned advocate for the applicants-original accused nos.6 and 10 and the learned A.P.P. for the State. None appears for respondent no.1 though served.

2. The applicants are facing prosecution in Regular Criminal Case No.320 of 2005 which is pending before the Judicial Magistrate, F.C. Pune. In the said case, process has been issued against the applicants under section 420 of IPC. The

applicants are seeking quashing of the order issuing process against them. The applicants are also seeking exemption from personal appearance before the trial Court in the said case.

3. In view of the decision of this Court in the case of **V.K.Jain and others Vs. Pratap P.Padode reported in 2005(3) Mh.L.J.778,** it would be appropriate that the applicants prefer revision against the order of the Magistrate issuing process against the applicants before the concerned Sessions Court. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court.

4. The learned advocate for the applicants states that the necessary revision application would be filed within a period of six weeks from today. If the revision is filed within a period of six weeks, the learned Sessions Judge shall condone the delay if any, caused in filing the revision and dispose of the revision on merits. To enable the applicant to file necessary revision, the proceedings before the learned Magistrate are stayed for a period of

six weeks from today. In addition thereto, the applicants are exempted from personal appearance before the trial Court till the revision is disposed of by the Sessions Court.

5. Application is disposed of.

[SMT.V.K.TAHILRAMANI,J.]